

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking into the operation of interruptible load programs offered by Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company and the effect of these programs on energy prices, other demand responsiveness programs, and the reliability of the electric system.

Rulemaking 00-10-002
(Filed October 5, 2000)
(Phase 2)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING EPUC'S MOTION TO KEEP
APPENDIX B UNDER PROTECTIVE ORDER**

On June 20, 2001, the Energy Producers and Users Coalition (EPUC) moved to place certain data under seal. The motion was granted for one year by ruling dated October 3, 2001. (The protected data is in Appendix B attached to EPUC's Comments dated June 20, 2001 on the Draft Decision (DD) of Commissioner Wood; the DD was mailed on June 13, 2001, and addressed essential customer status for refineries.)

On September 25, 2002, EPUC filed and served a motion to extend protection of the data in Appendix B. EPUC's motion was granted for two years by ruling dated October 7, 2002.

On September 16, 2004, EPUC filed a motion for extension of the protective order, with the protection this time being permanent. No responses have been filed. The motion is granted.

Appendix B to EPUC's comments contains confidential information initially submitted to the California Energy Commission relating to refinery operations and the identification of critical ancillary facilities. EPUC convincingly argues that the information continues to merit protected treatment. Identification of certain facilities critical to refinery operations may create security risks, and result in health and safety concerns for the companies, their employees, and the public. The concern is heightened, as EPUC notes, given that refineries are considered key potential targets for terrorist attack.

EPUC moves for permanent protection. Prior rulings have required periodic renewal of the seal so that the public, parties and Commission may weigh the costs and benefits of protection versus the public's right to know. In this case, however, the sealed data is unlikely to lose its security sensitivity. EPUC convincingly argues that permanent seal will avoid the risk of inadvertent disclosure or gap in confidential coverage.

IT IS RULED that the September 16, 2004 motion of the Energy Producers and Users Coalition (EPUC) for an extension of a protective order is granted. Appendix B (attached to the EPUC's Comments dated June 20, 2001 on the Draft Decision of Commissioner Wood mailed June 13, 2001 regarding essential customer status for refineries) shall remain under seal until further order of the Commission. Appendix B shall not be made accessible or be disclosed to anyone other than Commission staff, except on the further order or ruling of the Commission, Assigned Commissioner, Assigned Administrative Law Judge, or Commission Law and Motion Judge.

Dated October 21, 2004, at San Francisco, California.

/s/ BURTON W. MATTSON

Burton W. Mattson
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Granting EPUC's Motion to Keep Appendix B Under Protective Order on all parties of record in this proceeding or their attorneys of record.

Dated October 21, 2004, at San Francisco, California.

/s/ FANNIE SID
Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.